



# OHIO STATE BOARD OF PHARMACY

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## SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY (Case Number 2012-1214)

In The Matter Of:

**JOSEPH S. BETTMAN, R.Ph.**  
5180 Pebblebrook Drive  
Englewood, Ohio 45322  
(R.Ph. No. 03-1-05038)

This Settlement Agreement is entered into by and between Joseph S. Bettman and the Ohio State Board of Pharmacy, a state agency charged with enforcing the Pharmacy Practice Act and Dangerous Drug Distribution Act, Chapter 4729. of the Ohio Revised Code.

Joseph S. Bettman voluntarily enters into this Agreement being fully informed of his rights afforded under Chapter 119. of the Ohio Revised Code, including the right to representation by counsel, the right to a formal adjudication hearing on the issues contained herein, and the right to appeal. Joseph S. Bettman acknowledges that by entering into this Agreement he has waived his rights under Chapter 119. of the Ohio Revised Code.

Whereas, the Board is empowered by Section 4729.16 of the Ohio Revised Code to suspend, revoke, limit, place on probation, refuse to grant or renew an identification card or enforce a monetary penalty on the license holder for violation of any of the enumerated grounds therein.

Whereas, Joseph S. Bettman is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about February 7, 2014, pursuant to Chapter 119. of the Ohio Revised Code, Joseph S. Bettman was notified of the allegations or charges against him, his right to a hearing, his rights in such hearing, and his right to submit contentions in writing. Joseph S. Bettman requested a hearing; it was scheduled and continued.

Joseph S. Bettman neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated February 7, 2014; however, the Board has evidence sufficient to sustain the allegations and hereby adjudicates the same.

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of a formal hearing at this time, Joseph S. Bettman knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

- (A) After consideration of the record as a whole, the State Board of Pharmacy hereby reprimands Joseph S. Bettman for his actions in this matter.



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STATE BOARD OF PHARMACY  
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THE OHIO STATE BOARD OF PHARMACY

VS

JOSEPH S. BETTMAN, R.Ph.  
5180 Pebblebrook Drive  
Englewood, Ohio 45322

THE MATTER OF JOSEPH S. BETTMAN, DOCKET NO. 6-180-2, CAME ON FOR CONSIDERATION BY THE STATE BOARD OF PHARMACY ON WEDNESDAY, SEPTEMBER 24, 1986 AS A RESULT OF THE REPORT AND RECOMMENDATION SUBMITTED TO THE BOARD BY HEARING OFFICER AND BOARD MEMBER GERALD CLOUSE. MOTIONS WERE MADE AND RECORDED THE FOLLOWING ORDER BE ADOPTED:

ORDER

Findings Of Fact

The State Board of Pharmacy hereby agrees with and adopts the Findings Of Fact set forth in the Report and Recommendation of Hearing Officer and Board Member Gerald Clouse, as follows:

- (1) Joseph S. Bettman, as the President and responsible pharmacist pursuant to Section 4729.55 of the Revised Code and the pharmacist in full and actual charge pursuant to Ohio Revised Code Section 4729.27 for Marc Drug Company doing business as Bettman Miracle Lane Pharmacy, Terminal Distributor of Dangerous Drugs License No. 02-087000, is responsible for compliance with all state and federal laws regulating the distribution of drugs and the practice of pharmacy.
- (2) Bettman Miracle Lane Pharmacy, on or about February 26, 1986, did receive, hold, and offer for sale misbranded drugs, to wit: at least three different drugs were purchased from unknown sources and were to be dispensed to patients pursuant to written or oral prescriptions. These drugs were misbranded; in that, they were labeled as "samples" and, therefore, were false and misleading. Such conduct is in violation of Ohio Revised Code Sections 3715.64(A) and 3719.81, and is prohibited by Sections 2925.36 and 3715.52 of the Ohio Revised Code.

Conclusion Of Law

The State Board of Pharmacy hereby agrees with and adopts the Conclusion Of Law set forth in the Report and Recommendation of Hearing Officer and Board Member Gerald Clouse, as follows:

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraph (2) of the Findings of Fact constitutes willful violations of the provisions of Chapters 2925., 3715., and 3719. of the Revised Code.

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**STATE BOARD OF PHARMACY**

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Pursuant to Section 4729.16 of the Ohio Revised Code, and the foregoing Findings Of Fact and Conclusion Of Law, the State Board of Pharmacy hereby agrees with and adopts the recommendation for action set forth in the Report and Recommendation of Hearing Officer and Board Members Gerald Clouse. Therefore, the State Board of Pharmacy takes the following actions concerning the pharmacist license held by Joseph S. Bettman, No. 03-1-05038:

(A) On the basis of the Conclusion Of Law set forth above, the State Board of Pharmacy hereby imposes a monetary penalty of five hundred dollars (\$500).

(B) Further, the Board suspends two hundred fifty dollars (\$250) of the monetary penalty imposed above on condition that Joseph S. Bettman:

- (1) does not violate the drug laws of the state of Ohio, any other state, or the federal government; and
- (2) abides by the rules of the State Board of Pharmacy.

The two hundred fifty dollar (\$250) monetary penalty that was not suspended in paragraph (B) above is due and owing within thirty (30) days of the issuance of this Order. Said monetary penalty should be made payable to the "Treasurer, State of Ohio" and mailed to the State Board of Pharmacy, 65 S. Front Street, Room 504, Columbus, Ohio 43266-0320, with the enclosed form.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY.

MOTION CARRIED.

SO ORDERED.